

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Requirement to File an Annual FCC Form 320 for)	
All Individual Community Units Served by a)	CSR 5743
Common Cable System)	CSR 5805
)	CSR 5874
)	
)	
)	

ORDER

Adopted: November 18, 2002

Released: November 22, 2002

By the Chief, Media Bureau:

I. INTRODUCTION

1. We have before us petitions filed pursuant to Section 76.7(a)(1) of the Commission's Rules¹ by Armstrong Utilities, Inc. ("Armstrong"); CSC Holdings, Inc. ("CSC"); and Comcast Cable Communications, Inc. ("Comcast"). Each petition requests that the Commission allow the cable system operator to file a single Form 320 for each physical system, identifying the communities served by the system, rather than a separate Form 320 for each community. This would greatly reduce the number of Forms 320 each operator is required to file annually. Each operator asserts that the relief it requests is the very same as the Commission granted in *Time Warner Cable*² and subsequently to other operators.

II. BACKGROUND

2. Protecting the aeronautical frequencies³ from harmful interference is of paramount importance.⁴ In order to minimize frequency use restrictions for cable operators, however, the Commission's rules allow cable systems to use the aeronautical frequencies if they satisfy signal leakage

¹ 47 C.F.R. § 76.7(a)(1).

² 15 FCC Rcd. 15116 (2000).

³ The aeronautical bands are 108-137 MHz and 225-400 MHz. These frequencies encompass both radionavigation frequencies, 108-118 MHz and 328.6-335.4 MHz, and communications frequencies, 118-137 MHz and 225-328.6 MHz and 335.4-400 MHz. These bands include the international distress and calling frequencies 121.5 MHz, 156.8 MHz, and 243 MHz. See 47 C.F.R. § 76.616. These frequencies are critical for Search and Rescue Operations and are used by Emergency Locator Transmitters (ELT) on planes and Emergency Position Indicating Radio Beacons (EPIRB) on boats. See generally 47 C.F.R. §§ 80.1051 - 80.1061 and 87.193-87.199.

⁴ Harmful Interference is any interference that "endangers the functioning of a radionavigation service or of other safety services." See *id.* §§ 2.1 & 76.613(a).

and channel frequency offset standards.⁵ An important part of these standards is the basic signal leakage performance criteria or Cumulative Leakage Index (“CLI”) for each system. We not only require a CLI report as a prerequisite for operation on aeronautical frequencies; we also require annual measurement of each system’s CLI to demonstrate the current level of interference potential in the airspace above the cable plant.⁶ The results of the measurement are reported to us annually by Form 320 for each community unit.⁷

3. The basic administrative unit for cable systems is the system community unit, which is assigned a Community Unit Identifier (“CUID”).⁸ The Commission also uses “physical system” as a classification to facilitate some processes.⁹ Physical plant may be organized into discrete components that serve multiple community units. We assign each physical system a separate identification number (“PSID”). A physical system generally is identical to the cable system as defined in Section 76.5(a) of the Rules.¹⁰ It is often defined as the cable strand associated with a headend.¹¹ Although CLI is measured or calculated for a physical system, the operator must file a separate Form 320 for each CUID. Operators, however, need only file the frequency offset and measurement exhibits for the physical system with the lead community CUID.

4. These petitioners, and those who have filed similar petitions in the past, assert that significant cost reductions will result for them and the Commission, should we allow consolidated filings. They also assert that there will be more savings as they consolidate headends.

5. These petitioners express their intent to meet our requirements set forth in *Time Warner Cable* and the similar petitions that we have granted. Six of the eight largest MSOs (multiple system operators) have been operating under this regime for a year. A seventh, Time Warner, has been using this method for two years. We have resolved amicably any procedural problems that have arisen.

III. DISCUSSION

6. Form 320 filings are made by cable television system operators to comply with their Section 76.1804(g) CLI filing obligation. This section of the rules specifies the information that must be filed annually with the Commission, and a note to the rules provides that this information filing obligation may be satisfied by the timely filing of Form 320. In the past, it was administratively difficult for Commission staff to accept and track Form 320 filings unless a separate filing was made for each cable system community. The resource savings for cable operators filing on a consolidated system rather than an individual community basis, however, is likely to be substantial, and it is now administratively feasible for the staff to accept filings on a consolidated basis. This action will also make the manual filing process

⁵ See Amendment of Part 76 of the Commission’s Rules to Add Frequency Channelling Requirements and restrictions and to require Monitoring for Signal Leakage from Cable Television Systems, 101 F.C.C.2d 117 (1985).

⁶ 47 C.F.R. § 76.611(a).

⁷ *Id.* § 76.1804.

⁸ See *id.* § 76.1801.

⁹ See, e.g., *id.* §§ 76.605(a)(11) & 76.610-76.617.

¹⁰ *Id.* § 76.5(a).

¹¹ We also treat, for certain CLI testing purposes, as a single system multiple coaxial cable strands that are not mechanically connected to, but technically integrated with a common headend; for example, those connected by microwave link. See *id.* §§ 76.5(kk), 76.601(b)(1), & 76.901(c).

consistent with electronic filing of the Form 320, when we implement the Cable Operations and Licensing System (COALS)—our on-line electronic filing system for Multichannel Video Programming Distributors (MVPDs), which is nearing completion. Accordingly, we will now accept consolidated filings from all cable system operators without the need for special permission to do so through the special relief process, subject to the conditions specified below.

7. Cable operators may file a consolidated Form 320, including all required Exhibits, for each PSID assigned by the Commission instead of filing individual Forms 320 for each CUID. The Form 320 filed must be for the lead community and must have attached an additional exhibit—"Exhibit 1"—which will list the PSID and the lead community name and all associated CUIDs. Exhibit 1 also will contain a table with the CUIDs in one column (sorted alphanumerically), the community served by each CUID in the same row in the adjacent column, and an identification of the legal name used by the operator in that community in the same row in the next adjacent column. Exhibit 1 will further include a separately signed statement verifying that all communities listed are included in the comprehensive CLI calculation. To avoid confusion, the consolidated Form 320 will be accepted for filing only if all CUIDs on Exhibit 1 have the same PSID in current Commission records. Any change in PSIDs will require a separate filing, as required by Section 76.1610 of the Commission's Rules,¹² before filing of these Forms 320. We expect cable operators that wish to file a consolidated Form 320 to submit an Exhibit 1 that conforms to the sample provided in Appendix A. When calculating CLI, cable operators may only combine distinct cable service areas that are served by the same signal generation equipment.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED pursuant to Sections 0.321 of the Commission's Rules, 47 C.F.R. § 0.321, that the filing policy for FCC Form 320, Basic Signal Leakage Performance Report IS MODIFIED as prescribed in this Order, and the new policy IS EFFECTIVE upon release of this Order.

9. IT IS FURTHER ORDERED, pursuant to Sections 0.321 and 76.7(i) of the Commission's Rules, 47 C.F.R. §§ 0.321 and 76.7(i), that the Petitions for Special Relief of Armstrong Utilities, Inc.; CSC Holdings, Inc.; and Comcast Cable Communications, Inc. ARE DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Media Bureau

¹² 47 C.F.R. § 76.1610.

Appendix A: Sample Exhibit 1

PSID: 912345

Lead Community: PA9004

Legal Names: 1-ABC Cable TV, Inc.

2-XYZ Cable TV, Inc.

3-ABCXYZ Cable TV, Inc.

No.	CUID	Community Name	Legal Name
1	NY0124	City A	1
2	NY0125	Town C	1
3	NY0126	City B	1
4	NY0129	Village A	1
5	NY0130	City D	1
6	NY0132	Township D	1
7	NY0133	Town P	3
8	NY0134	City Q	3
9	NY0135	City C	3
10	NY0136	City F	3
11	NY0140	Village B	3
12	NY0141	Township A	2
13	NY0142	City R	2
14	NY0143	City E	2
15	NY0144	City G	3
16	NY0145	Town A	3
17	NY0146	Village D	3
18	NY0147	City J	3
19	NY0148	City M	3
20	NY0149	Town D	3
21	NY0150	Town P	1
22	PA9001	Town Q	1
23	PA9002	Village M	1
24	PA9003	Village Q	1

No.	CUID	Community Name	Legal Name
25	PA9004	Township G	1
26	PA9006	Town B	1
27	PA9007	Village C	1
28	PA9010	Township B	2
29	PA9011	City H	2
30	PA9012	City I	2
31	PA9013	City Z	3
32	PA9014	Town E	3
33	PA9022	Town G	3
34	PA9023	City P	3
35	PA9024	City K	3
36	WV0034	Village R	3
37	WV0035	Village S	3
38	WV0036	City J	3
39	WV0037	City L	3
40	WV0038	City N	3
41	WV0039	Township Q	3
42	WV0042	Town D	3
43	WV0044	City S	3
44	WV0045	City U	3
45	WV0046	Village Z	3
46	WV0047	Hamlet A	3
47	WV0049	City O	3
48	WV0050	Town M	3

I certify that all communities listed are included in the comprehensive CLI calculation.

Signature

Date

(Name)

(Title)